

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

Civil Action No. 01-CV-12257- PBS

Judge Patti Saris

THIS DOCUMENT RELATES TO:

*The City of New York and New York Counties v.
Abbott Laboratories, Inc., et al.,*

**PLAINTIFFS' EMERGENCY MOTION FOR A TWO-DAY EXTENSION OF TIME TO
FILE SUR-REPLY MEMORANDA IN FURTHER OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS**

The City Of New York and the New York Counties¹ hereby move for a two-day extension of their time to file any sur-reply memoranda in further opposition to Defendants' Motions to Dismiss the Consolidated Complaint and Nassau Counties' Second Amended Complaint. Per CMO #21, plaintiffs' sur-replies are due May 31, 2006. The requested extension would adjust plaintiffs' filing date to June 2, 2006. The additional time is sought as a result of unavoidable scheduling conflicts of plaintiffs' counsel which occurred during--and effectively abbreviated-- plaintiffs' response time.

On May 30, 2006, plaintiffs contacted defense counsel spokesperson Lyndon Tretter to

¹ The "New York Counties" are Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Columbia, Cortland, Dutchess, Essex, Fulton, Genessee, Greene, Herkimer, Jefferson, Lewis, Madison, Monroe, Nassau, Niagara, Oneida, Onondaga, Ontario, Orleans, Putnam, Renssellear, Rockland, Saratoga, Schuyler, Seneca, St. Lawrence, Steuben, Suffolk, Tompkins, Warren, Washington, Wayne, Westchester, Wyoming, Yates, and Ulster.

request defendants' consent to this two-day extension. Mr. Tretter indicated that he did not expect defendants to object to plaintiffs' request but reasonably indicated that he needed to consult with the defendants' group before responding definitively. Plaintiffs have not yet heard back from Mr. Tretter and so file this motion out of an abundance of caution. No further requests for any extensions relating to defendants' motions to dismiss shall be filed.

Dated: May 31, 2006

Respectfully submitted,

**City of New York and all captioned Counties
except Nassau, by**

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/s/ Joanne M. Cicala

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[PROPOSED] SCHEDULING ORDER

IT IS HEREBY ORDERED THAT the City of New York and the New York Counties¹ are hereby granted an extension to June 2, 2006 to file any sur-replies in further opposition to defendants' motions to dismiss.

Dated: May 31, 2006

Hon. Patti B. Saris
United States District Court Judge

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 31st day of May, 2006 he caused a true and correct copy of the New York Counties Motion for an Extension of Time and Proposed Order to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the honorable Patti B. Saris in MDL No. 1456.

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